

## **IC 15-1.5-4**

### **Chapter 4. State Fair Board**

#### **IC 15-1.5-4-1**

##### **Establishment of board**

Sec. 1. The state fair board is established.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.11.*

#### **IC 15-1.5-4-2**

##### **Membership of board; residence; political affiliation; certification of election of members**

Sec. 2. (a) The board consists of seventeen (17) members as follows:

- (1) The governor or the governor's designee.
- (2) The commissioner of agriculture or the commissioner's designee.
- (3) The director of the cooperative extension service of Purdue University or the director's designee.
- (4) Seven (7) members appointed by the governor, one (1) from each district under this chapter.
- (5) One (1) member elected from each district under this chapter.

(b) Not more than one (1) member appointed under subsection (a)(4) may reside in the same district.

(c) Not more than four (4) members appointed under subsection (a)(4) may be affiliated with the same political party.

(d) Each member appointed under subsection (a)(4) must have a recognized interest in agriculture or agribusiness.

(e) When an appointment of a member under subsection (a)(4) is required, the appointment may not be made until after the election of members under subsection (a)(5) for that year is certified.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.12.*

#### **IC 15-1.5-4-3**

##### **Terms of board members**

Sec. 3. (a) Except as provided in subsection (d), the term of an individual as a member under section 2(a)(4) or 2(a)(5) of this chapter begins on the later of the following:

- (1) October 1 after the expiration of the term of the member whom the individual is appointed or elected to succeed.
- (2) For an individual appointed under section 2(a)(4) of this chapter, the day the individual is appointed by the governor.

(b) The term of a member under section 2(a)(4) or 2(a)(5) of this chapter expires on September 30 of the fourth year after the expiration of the term of the member's immediate predecessor.

(c) Except as provided in subsection (d), a member may be reappointed or reelected for a new term. A member reappointed or reelected is the member's own:

- (1) successor for purposes of subsection (a); and
- (2) immediate predecessor for purposes of subsection (b).

(d) An individual may not serve as a member under section 2(a)(4) or 2(a)(5) of this chapter for more than eight (8) years in any twelve

(12) year period.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.13.*

#### **IC 15-1.5-4-4**

##### **Vacancies on board**

Sec. 4. (a) The governor shall appoint an individual qualified under sections 2 and 3 of this chapter to fill a vacancy on the board.

(b) The individual appointed by the governor under subsection (a) serves the remainder of the unexpired term of the member the individual replaces.

(c) The period of the unexpired term for which an individual serves after appointment under this section may not be considered in determining the number of years that a member has served in a twelve (12) year period for purposes of section 3(d) of this chapter.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.14; P.L.120-1998, SEC.2.*

#### **IC 15-1.5-4-5**

##### **Presiding officer; other officers**

Sec. 5. (a) The board shall elect a member of the board serving under section 2(a)(5) of this chapter to be the presiding officer of the board. The member elected under this section is the presiding officer of the board until the earlier of the following:

(1) The member's term expires.

(2) The member is replaced as presiding officer by the board.

(b) The board may elect other officers for the board from the board's membership.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.15.*

#### **IC 15-1.5-4-6**

##### **Salary per diem; traveling and other expenses; policy adopted for meetings**

Sec. 6. (a) Subject to subsection (c), each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Subject to subsection (c), such a member is entitled to reimbursement for travel expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(b) Subject to subsection (c), each member of the board who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties, as provided in the state travel policies and procedures established by the department of administration and approved by the budget agency.

(c) The commission shall adopt a policy for:

(1) the number of meetings the board may hold; and

(2) payment of per diem and travel expenses for board meetings and during the time the fair is held.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.16.*

#### **IC 15-1.5-4-7**

##### **Payment of board expenses**

Sec. 7. The commission shall pay the expenses of the board approved by the commission from the money of the commission.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.17.*

#### **IC 15-1.5-4-8**

##### **Holding property in name of board prohibited**

Sec. 8. The board may not hold property in the board's name.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.18.*

#### **IC 15-1.5-4-9**

##### **Certification to vote in election under this chapter; application to commissioner of agriculture**

Sec. 9. If an organization wants to be certified to vote in an election under this chapter, the organization must apply to the commissioner of agriculture.

*As added by P.L.20-1990, SEC.10.*

#### **IC 15-1.5-4-10**

##### **Certification of organization applying to vote in election under this chapter**

Sec. 10. (a) Subject to sections 11 through 13 of this chapter, the commissioner of agriculture shall certify an organization that applies under section 9 of this chapter only if the organization:

- (1) is an agricultural interest;
- (2) is regularly organized within the district;
- (3) has at least ten (10) active members;
- (4) has duly elected officers;
- (5) has an annual meeting;
- (6) has been in existence for at least one (1) year before the application for certification is filed with the commissioner; and
- (7) before July 1 of the year of the election in which the organization wants to participate, files with the commissioner of agriculture:

- (A) the name of the organization;
- (B) the names and addresses of the organization's officers;
- (C) the name, address, and title of the individual who is authorized by the organization to vote for the organization in an election under this chapter;
- (D) the number of the organization's active members;
- (E) a certification that the organization is eligible to be certified under this chapter; and
- (F) other information required by the commissioner.

(b) A certification expires on July 1 of the fourth year after the certification is issued by the commissioner of agriculture.

*As added by P.L.20-1990, SEC.10.*

#### **IC 15-1.5-4-11**

##### **Application of section to organizations organized on statewide**

**basis; certification; affiliates**

Sec. 11. (a) This section applies only to an organization organized on a statewide basis.

(b) If the organization has an affiliated organization in any county of a district, only the county affiliates may be certified.

(c) If subsection (b) does not apply, but the organization has an affiliated organization within the district, only the district organization may be certified. The district organization may cast only one (1) vote in a district election.

(d) If subsections (b) and (c) do not apply, the organization may be certified. The organization may cast only one (1) vote in a district election.

*As added by P.L.20-1990, SEC.10.*

**IC 15-1.5-4-12**

**Application of section to organizations organized on district level basis; certification; affiliates**

Sec. 12. (a) This section applies only to an organization organized only on a district level basis.

(b) If the organization has an affiliated organization in any county of a district, only the county affiliates may be certified.

(c) If subsection (b) does not apply, the organization may be certified. The organization may cast only one (1) vote in a district election.

*As added by P.L.20-1990, SEC.10.*

**IC 15-1.5-4-13**

**Certification of organizations in a county representing an agricultural interest**

Sec. 13. (a) The commissioner of agriculture may not certify more than two (2) organizations in a county representing an agricultural interest described in any subdivision of IC 15-1.5-1-2.

(b) If more than two (2) organizations in a county representing an agricultural interest described in a subdivision of IC 15-1.5-1-2 apply for certification, the commissioner of agriculture may certify any two (2) organizations, considering the following criteria:

- (1) Order of application for certification.
- (2) Number of members of each organization.
- (3) How long each organization has been in existence.
- (4) Activity of each organization in promotion of agricultural interests.
- (5) Diversity of representation of interests within the agricultural community.

*As added by P.L.20-1990, SEC.10.*

**IC 15-1.5-4-14**

**Convention for election of committee member; notice**

Sec. 14. (a) Before September 1 of the year the term of a member representing a district expires, the commissioner of agriculture shall notify each agricultural interest certified within the member's district that a convention will be held to elect the member to represent the

district.

(b) Subject to section 17 of this chapter, the commissioner of agriculture shall state in the notice required by subsection (a) the time and the place of the convention and the name of the presiding officer. The commissioner shall choose a time and a place that will encourage maximum participation in the convention by certified agricultural interests.

*As added by P.L.20-1990, SEC.10.*

#### **IC 15-1.5-4-15**

##### **Convention elections; credentials of individuals entitled to vote; copies sent**

Sec. 15. The commissioner of agriculture shall send copies of the credentials of each individual entitled to vote in a convention to the following:

(1) The board member representing the district.

(2) The individual who will preside over the district convention.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.19.*

#### **IC 15-1.5-4-16**

##### **Presiding officer at convention**

Sec. 16. (a) The commissioner of agriculture shall choose from among the members of the commission the individual to preside at a convention.

(b) The presiding officer of the convention may vote in the case of a tie vote on any matter.

*As added by P.L.20-1990, SEC.10.*

#### **IC 15-1.5-4-17**

##### **Convention for election of member's successor**

Sec. 17. (a) During the month of September before the term of a member representing a district expires, the individuals designated under section 10(a)(7)(C) of this chapter for each organization certified under section 10 of this chapter within the district shall meet in a convention to elect the member's successor.

(b) Voting under subsection (a) shall be by voice concurrent with the submission of a signed written ballot by each person voting indicating the person's vote.

*As added by P.L.20-1990, SEC.10. Amended by P.L.1-1991, SEC.116; P.L.139-1991, SEC.20.*

#### **IC 15-1.5-4-18**

##### **Rules for business of convention**

Sec. 18. The commissioner of agriculture shall adopt rules for the business of a convention. Rules adopted under this section may not be inconsistent with this chapter.

*As added by P.L.20-1990, SEC.10.*

#### **IC 15-1.5-4-19**

##### **Credentials to vote at convention election; contesting validity of**

### **credentials**

Sec. 19. (a) Except as provided in subsection (b), the credentials of an individual issued under this chapter are conclusive of the right of the individual to vote at the convention.

(b) A person may contest the validity of the credentials of an individual by alleging facts constituting fraud or misrepresentation in securing the credentials. The affidavit must be filed with the presiding officer of the convention not later than the date of the convention.

(c) If a person contests the validity of the credentials of a delegate, the validity of the delegate's credentials shall be determined by a majority vote of all delegates representing the county of the delegate whose credentials are contested.

*As added by P.L.20-1990, SEC.10.*

### **IC 15-1.5-4-20**

#### **Voting at district convention; credentials required; exception**

Sec. 20. Except as provided in section 16 of this chapter, an individual may not vote at a district convention if the individual does not have valid credentials issued under this chapter.

*As added by P.L.20-1990, SEC.10.*

### **IC 15-1.5-4-21**

#### **Criteria for individual to be elected to represent district**

Sec. 21. (a) To be elected to represent a district, an individual must:

- (1) be a resident within the district; and
- (2) have the other qualifications to be a member of the board under this chapter.

(b) If an individual receives a majority of the votes cast at a convention, the individual is elected to represent the district.

*As added by P.L.20-1990, SEC.10. Amended by P.L.1-1991, SEC.117; P.L.139-1991, SEC.21.*

### **IC 15-1.5-4-22**

#### **Certification of election**

Sec. 22. The presiding officer of a convention shall certify the election under section 21 of this chapter to the commission and to the board.

*As added by P.L.20-1990, SEC.10. Amended by P.L.139-1991, SEC.22.*

### **IC 15-1.5-4-23**

#### **Implementation of sections of chapter; rules and forms**

Sec. 23. The commissioner of agriculture may:

- (1) adopt rules under IC 4-22-2; and
- (2) prescribe forms;

to implement sections 9 through 22 of this chapter.

*As added by P.L.20-1990, SEC.10.*